

April 19, 2004  
Case No. PHB 34,390 (7790/356)  
Serial No.: 09/630,896  
Filed: August 2, 2000  
Page 7 of 11

**REMARKS/DISCUSSION OF ISSUES**

**Priority Claim.** The Applicant thanks Examiner Shah for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

**Specification.** The Applicant has amended the Abstract herein to correct an improper format of the Abstract. No new matter was introduced by the amendment of the Abstract herein.

**Claims.** In the Non-Final Office Action, Examiner Shah rejected pending claims 1-14 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Shah rejected claims 1-3, 6-10, 13 and 14 under 35 U.S.C. §102(a) as being anticipated by WO 00/13426 to *Cho* et al.

The Applicant has thoroughly considered Examiner Shah's remarks concerning the patentability of claims 1-3, 6-10, 13 and 14 over *Cho*. The Applicant has also thoroughly read *Cho*. To warrant this anticipation rejection of claims 1-3, 6-10, 13 and 14, *Cho* must show each and every limitation of claims 1-3, 6-10, 13 and 14 in as complete detail as is contained in claims 1-3, 6-10, 13 and 14. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 6 and 14, because *Cho* fails to disclose and teaches away from

1. "means are provided for dynamically allocating bit rates to random access channels in response to requests for resources from secondary stations" as recited in dependent claim 6; and

April 19, 2004  
Case No. PHB 34,390 (7790/356)  
Serial No.: 09/630,896  
Filed: August 2, 2000  
Page 8 of 11

2. “the primary station dynamically allocating bit rates to random access channels in response to requests for resources from secondary stations” as recited in dependent claim 14.

As to the traversal, *Cho* discloses that, upon receiving a channel assignment request message from a secondary station, a primary station assigns a channel, sets a transmission rate and transmits on a forward access channel. *See, Cho* at column 5, lines 18-20. *Cho* further discloses that, upon receiving the channel assignment form the primary station, the secondary station determines the transmission rate that is subsequently set by the primary station in response to the channel assignment request message. *See, Cho* at page 12, line 7 to page 13, line 10.

By comparison, the present invention discloses that, upon receiving a request for a random access channel resource from a secondary station, a primary station dynamically allocates a bit rate to a random access channel that corresponds to the random access channel resource. Thus, a principle operation of *Cho* is for the secondary station to determine a transmission rate for the random access channel, while an opposing principle operation of the present invention is for the primary station to dynamically allocate a bit rate to a random access channel.

While the Applicant respectfully traverses this anticipation rejection of dependent claims 6 and 14 as shown above, the Applicant has cancelled claims 1-3, 6-10, 13 and 14 herein without prejudice and disclaimer to the subject matter of 1-3, 6-10, 13 and 14, and added new claims 15-34. The Applicant respectfully asserts that *Cho* and the remaining art of record, alone or in combination, fails to disclose, teach or suggest the following limitation combinations of new independent claims 15, 20, 25 and 30:

1. “wherein said primary station is further operable to dynamically allocate bit rates to at least one random access channel in response to at least one request for at least random access channel resource from said plurality of secondary stations” as recited in independent claim 15;

April 19, 2004  
Case No. PHB 34,390 (7790/356)  
Serial No.: 09/630,896  
Filed: August 2, 2000  
Page 9 of 11

2. "means for dynamically allocating bit rates to random access channels in response to at least one request from said plurality of secondary stations for at least one random access channel resource based on the random access channel status message" as recited in independent claim 20;
3. "wherein the random access channel status message indicates an availability of random access channel resources and further indicates a dynamic allocation of bit rates to random access channels by the primary station" as recited in independent claim 25; and
4. "operating the primary station to dynamically allocate bit rates to at least one random access channel in response to at least one request for at least one random access channel resource from the plurality of secondary stations" as recited in independent claim 30.

Withdrawal of the rejection of claims 1-3, 6-10, 13 and 14 under §102(a) as being anticipated by *Cho*, and an allowance of claims 15-34 are therefore respectfully requested.

- B. Examiner Shah rejected claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over WO 0000/13426 to *Cho* et al. in view of WO 00/07401 to *Aftelak* et al.

The Applicant has cancelled claims 11 and 12 without prejudice or disclaimer to the subject matter of claims 11 and 12. Withdrawal of the rejection of dependent claims 11 and 12 under 35 U.S.C. §103(a) being unpatentable over *Cho* in view of *Aftelak* is therefore respectfully requested.

April 19, 2004  
Case No. PHB 34,390 (7790/356)  
Serial No.: 09/630,896  
Filed: August 2, 2000  
Page 10 of 11

**SUMMARY**

Examiner Shah's rejections of pending claims 1-14 have been obviated by the cancellation herein of claims 1-10. The Applicant has supported an allowance of new claims 15-34 over the art of record. The Applicant respectfully submits that claims 15-34 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Shah is respectfully requested to contact the undersigned at the telephone number listed below.

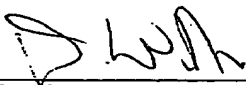
Dated: April 19, 2004

Respectfully submitted,  
Timothy J. Mousley

PHILIPS INTELLECTUAL PROPERTY  
& STANDARDS  
P.O. Box 3001  
Briarcliff, New York 10510  
Phone: (914) 333-9612  
Fax: (914) 332-0615

Jack D. Slobod  
Registration No. 26,236  
Attorney for Applicant

CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

  
Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant

~~If no channels are available the secondary station can avoid a wasted access attempt.~~

(Figure 3)